


1. The capitalized terms used in this Order shall have the same meaning as set forth in the Motion;
2. The Motion is in furtherance of the Settlement between Appellant and the Debtor in connection with the Debtor's Chapter 11 Plan of Liquidation.
3. The relief requested in the Motion is in the best interest of the Debtor, the Debtor's Estate, and its creditors; and
4. All parties have received adequate notice of this Motion, and have been provided due opportunity to object and be heard.

THEREFORE, based upon the above findings of fact, it is hereby ordered as follows:

1. The Motion is granted, and the District Court Order is vacated;
2. This matter is remanded to the Bankruptcy Court for further action consistent with the Order entered on August 19, 2004, by the United States Bankruptcy Court for the Western District of North Carolina confirming the Debtor's Chapter 11 Plan of Liquidation; and
3. Nothing in this Order shall be construed to authorize Appellant to assert any claims except those allowed by the Debtor's Chapter 11 Plan of Liquidation or to grant Appellant any rights or defenses with respect to any claims that may exist against Appellant.


GRAHAM O. MULLEN
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2004, I caused to be served, true and correct copies of the foregoing **AMENDED MOTION TO VACATE AND REMAND** upon the following parties by United States mail, postage prepaid:

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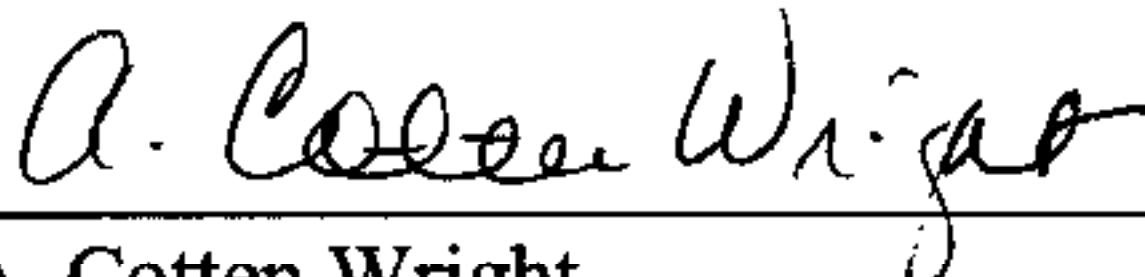
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